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9
10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

11 UNITED AUTOMOBILE INSURANCE
COMPANY,

12 Plaintiff,

13 vs.

14 THOMAS CHRISTENSEN, an individual; E.
15 BREEN ARNTZ, an individual; and GARY
LEWIS, an individual,

16 Defendants.
17

Case No.: 2:18-cv-02269-JAD-BNW

**JOINT STIPULATION AND ORDER
FOR STAY OF DISCOVERY (ECF32)**

18 United Automobile Insurance Company (“Plaintiff”) and Thomas Christensen, E. Breen
19 Arntz and Gary Lewis (“Defendants”), submit this Joint Stipulation and Order for Stay of
20 Discovery.

21 Plaintiff filed its Complaint on November 28, 2018. (ECF 1) Defendant Christensen filed
22 a Motion to Dismiss on February 22, 2019. (ECF 5) Defendant Arntz filed a Joinder to
23 Christensen’s Motion to Dismiss on March 1, 2019. (ECF 9) Defendant Lewis filed a Joinder to
24 Christensen’s Motion to Dismiss on March 1, 2019 (ECF 10) and an additional Motion to
25 Dismiss on March 1, 2019. (ECF 11) This Court denied the Motions to Dismiss on September
26 13, 2019 (ECF 32). As part of that Order this Court ordered the parties to submit a Discovery
27 Plan and Scheduling Order by September 27, 2019.

28 The parties jointly seek a continued stay of discovery for the reasons succinctly

1 articulated below. Such stay of discovery is sought in good faith and for purposes of judicial
2 economy. This particular lawsuit is related to a much larger dispute involving these same parties
3 that is pending in the Eighth Judicial District Court, Case No. A-07-549111-C (consolidated with
4 A-18-772220-C); the Nevada Supreme Court, Case Nos. 79487, 78243, 78085, and 70504; and
5 the Ninth Circuit, Case No. 13-17441.¹ Two mediations have been held in an attempt to resolve
6 this matter. The Nevada Supreme Court ordered a third mediation in Case No. 79487, which is
7 currently being scheduled. Issues remain pending before all three courts.

8 The parties believe that it makes sense to stay discovery in this proceeding to await
9 further rulings that may resolve the issues in both this case and the pending state court case or,
10 at a minimum, pave the way for dispositive motions. At this time, the parties request a stay of
11 discovery with a status report to be filed with the Court 90 days from today's date (i.e. **December**
12 **27, 2019**) regarding developments from other courts considering matters that may affect this
13 case.²

14 DATED this 27th day of September, 2019.

15 **ATKIN WINNER & SHERROD**

16 By: /s/ Matthew J. Douglas
17 Matthew John Douglas
18 Thomas E. Winner
19 1117 South Rancho
20 Las Vegas, Nevada 89102

21 *Attorneys for Plaintiff*

DATED this 27th day of September, 2019

**LEWIS ROCA ROTHGERBER
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25 ¹ This case was also before the Nevada Supreme Court, in Case #70504, until it recently issued
26 its Opinion regarding two writ petitions related to this matter. The writ petitions were questions
27 from the Ninth Circuit, pertaining to the matters pending in Case #13-17441.

28 ² The parties understand that any Stay of Discovery would not affect the defendants from
seeking reconsideration of the Court's order denying the Motions to Dismiss referenced herein
and/or seeking appellate relief concerning same.

DATED this 27th day of September, 2019.

SANTORO WHITMIRE

By: /s/ James W. Whitmire
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DATED this 27th day of September, 2019.

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DATED this 27th day of September, 2019.

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Attorneys for Defendant E. Breen Arntz

IT IS SO ORDERED

DATED: October 04, 2019



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2019, I caused a true and accurate copy of the foregoing document entitled **JOINT STIPULATION AND ORDER FOR STAY OF DISCOVERY (ECF32)** to be filed with the Clerk of the Court via the CM/ECF system, which will send an electronic copy to the following:

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